

### **REMARKS/ARGUMENTS**

The Applicants hereby thank the Examiner for the observations in the outstanding Final Office Action. Claims 1, 8, and 13 are herein amended; and new illustrative Claims 18-20 are herein added, to better encompass the full scope and breadth of the present invention, notwithstanding the Applicants' belief that the Claims would have been allowable as originally filed as well as herein amended. The Applicants respectfully assert that no claim has been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.* (Fed.Cir. November 29, 2000). Therefore, reconsideration of the present application in light of the foregoing amendment after final rejection and these remarks is respectfully requested. However, should any remaining issues be outstanding, the Examiner is respectfully requested to telephone the undersigned at (805) 781-2865 so that such issues may be resolved as expeditiously as possible.

#### **I. Rejection of Claims 8-12 under 35 U.S.C. § 112, first paragraph**

Claims 8-12 stand rejected, under 35 U.S.C. § 112, first paragraph, as containing subject matter that fails to comply with the enablement requirement; however, the Examiner has not pointed-out what subject matter is contained within Claims 8-12 which the Examiner believes to be noncompliant. The Applicants respectfully traverse this ground for rejection on this basis. Although pages 3-4 of the outstanding final Office Action appear to be continuous, i.e., no missing pages, some of the Examiner's intended supporting text appears to be missing from page 3. Therefore, the Applicants respectfully request that the grounds for rejection of the claims on this basis are withdrawn and that Claims 8-12 are passed to allowance in due course.

## II. Rejection of Claims 1-17 under 35 U.S.C. § 103(a)

Claims 1-17 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Sie et al. (US 2003/0233656), in view of Fries et al. (US 2004/0078807). The Applicants respectfully traverse these grounds for rejection and respectfully submit that Claims 1-17 are not obviated by the cited art, as the primary reference Sie et al., even in view of secondary reference Fries et al. fails to expressly, implicitly, or inherently teach, suggest, or motivate, or obviate, in any other manner, the combination of elements and limitations as recited in herein respectively amended independent Claims 1, 8, and 13 or those of their respective dependent claims of the present application, as follows:

1. A method in an audio/video programming guide apparatus comprising:
  - providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of audio/video content, *wherein a first plurality of the discrete selectable items of audio/video content differ from a second plurality of the discrete selectable items of audio/video content with respect to a primary transmission service provider;*
  - providing at least one selection criterion;
  - applying the at least one selection criterion with respect to the characterizing descriptors of the first plurality of the discrete selectable items of audio/video content and the second plurality of the discrete selectable items of audio/video content to provide a resultant selection of the first plurality of discrete selectable items of audio/video content and the second plurality of the discrete selectable items of audio/video content;
  - displaying programming guide information comprising information regarding at least a portion of the resultant selection;
  - supporting a programming guide navigation;*
  - reviewing and browsing the information regarding the at least one portion of the resultant selection;*
  - if selecting a particular item of the plurality of discrete selectable items, providing a selection response; and*
  - if not selecting a particular items of the plurality of discrete selectable items, returning to the supporting step. [Emphasis added.]*
8. An interactive programming guide comprising:
  - characterizing descriptors as individually correspond to a plurality of discrete selectable items of audio/video content, *wherein a first plurality of the discrete selectable items of audio/video content differ from a second plurality of the discrete selectable items of audio/video content with respect to a primary*

*transmission service provider and-at least one selection criterion; and*  
control circuitry adapted to:

apply the at least one selection criterion with respect to the characterizing descriptors of the first plurality of the discrete selectable items of audio/video content and the second plurality of discrete selectable items of audio/video content to provide a resultant selection of first the plurality of discrete selectable items of audio/video content and the second plurality of discrete selectable items of audio/video content;

display programming guide information comprising information regarding at least a portion of the resultant selection; and

*a support programming guide navigation.* [Emphasis added.]

13. A method of providing a programming guide comprising:

providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable audio/visual programs, *wherein a first plurality of the discrete selectable audio/visual programs differ from a second plurality of the discrete selectable audio/visual programs with respect to a primary transmission service provider;*

providing at least one selection criterion that corresponds to a given individual;

applying the at least one selection criterion with respect to the characterizing descriptors of the first plurality of the discrete selectable audio/visual programs and the second plurality of the discrete selectable audio/visual programs to provide a resultant selection of the first plurality of the discrete selectable audio/visual programs and the second plurality of the discrete selectable audio/visual programs;

displaying programming guide information comprising information regarding at least a portion of the resultant selection;

*providing a support programming guide navigation.* [Emphasis added.]

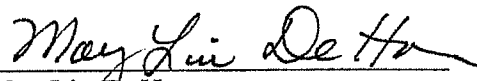
Thus, the Applicants respectfully submits that Claims 1-17 have not been taught, suggested, motivated, either expressly or implicitly, or obviated, in any other manner, by the cited art. Therefore, the Applicants respectfully request that the grounds for rejection of the claims on this basis are withdrawn and that Claims 1-17 are passed to allowance in due course.

### CONCLUSION

Accordingly, Claims 1, 8, and 13 have been herein amended; and new illustrative Claims 18-20 have been herein added, to better encompass the full scope and breadth of the present invention, notwithstanding the Applicants' belief that the Claims would have been allowable as originally filed as well as herein amended. The Applicants respectfully reassert that no claim has been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.* (Fed.Cir. November 29, 2000). Therefore, reconsideration of the present application in light of the foregoing amendment after final rejection and these remarks is respectfully requested. ***The Examiner is further cordially invited to telephone the undersigned for any reason which would advance allowance of the pending claims.*** In the event that any additional fees become due or payable, the Examiner is authorized to charge USPTO Deposit Account No. 50-1616 accordingly. A duplicate of this authorization is attached herewith.

Respectfully submitted,

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